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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/816,797	03/23/2001	Samuel W. Linton	5315P002	5820

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EXAMINER	
GROSS, KENNETH A	

ART UNIT	PAPER NUMBER
2122	6

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/816,797	LINTON ET AL.	
	Examiner	Art Unit	
	Kenneth A Gross	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) 1-31 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) 1-31 is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date 2, 4.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claims 1-3, 5-6, and 12-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Specifically, In regard to Claim 1, Claim 1 recites "reading meta data to assemble components at run time" and "executing a container application". If components are assembled at run time, then shouldn't the container application already be executing, since "run time" implies when an application is executing? In regard to Claim 2, Claim 2 recites "creating an element class catalog from a template". This limitation is not described sufficiently in the specification to enable one skill in the art to make or use the invention. Figure 10, item 1003 does say "Create Element Class Catalog From Templates", however, the specification only says: "In step 1003, element templates may be read from a meta-data file, or extracted from the patterns previously read. In an embodiment, the templates represent all the elements that the container application can create. In an embodiment, the container application creates both templates and other patterns during the execution of the container application." (Page 26, lines 8-12). There is no mention of an element class catalog, or *how* such a catalog is created. In regard to Claim 5, the claim recites that the

container application comprises "element coordination logic", however, there is no mention in the specification of what element coordination logic is or how it is used in the container application. In regard to Claim 12, Claim 12 recites that "the application creator to enable creation of an application without the program having a predetermined functionality". It is unclear how an application can be created without a predetermined functionality. An application is designed to perform a specific task, and must be programmed with a programming language to give it some sort of functionality. This claim needs to be clarified to point out how the components can add further functionality to a container application. Claims 3 and 6-17 are rejected for being dependent on a rejected parent Claim.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 12, 21, and 24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In regard to Claim 12, Claim 12 recites the limitation "the program" in line 2. In regard to Claim 21, Claim 21 recites the limitations "new elements" and "existing behaviors" in line 2. There is insufficient antecedent basis for these limitations in the claims. In regard to Claim 24, Claim 24 recites the term "the container application supports a file". It is unclear what it means to "support" a file.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 4-7, 18-24, and 26-31 are rejected under 35 U.S.C. 102(b) as being anticipated by "Inside COM: Microsoft's Component Object Model" by Dale Rogerson, Microsoft Press, 1997 (hereinafter Rogerson)

In regard to Claim 4, Rogerson teaches an application creator to assemble software components at run time into a container application (Page 9, Section: COM). In the Background of the current specification, the applicant teaches the benefit of using software components that support interface and implementation inheritance (Page 4, Paragraph 3 and Page 5, Paragraph 1), and hence this can be used as admitted prior art.

In regard to Claim 5, Rogerson teaches that the container application comprises: an element container (Figure 1-4, item: "New Application"), a catalog of available interfaces and implementations (Figure 1-4, item: "Library of Components"), element coordination logic (Page 9, Paragraph 2), and an element (Figure 1-4, items: "Components A-C").

In regard to Claim 6, Rogerson teaches that the element is a logically distinct set of functions used by the container application (Figure 2-3).

In regard to Claim 7, Rogerson teaches selectively overriding an individual function defined by the existing software component (Page 159, Paragraph 3).

In regard to Claim 12, using the best possible interpretation, Rogerson teaches an application container, which is given further functionality by components (Figure 1-4, item: "New Application").

In regard to Claim 18, Rogerson teaches: (a) assembling software components at run time into a container application to make a coherent application (Figure 1-4); (b) selecting an interface and an implementation from a catalog (Figure 1-4); and (c) using the interface and the implementation with the container application (Figure 1-4 and Figure 2-3).

In regard to Claim 19, Rogerson teaches reusing code from an existing software component (Page 154, Paragraph 4 and Page 155, Paragraphs 1-3).

In regard to Claim 20, Rogerson teaches overriding a function inherited from an existing software component (Page 16, Paragraph 1).

In regard to Claim 21, Rogerson teaches composing new elements from existing behaviors (Page 161, Paragraph 2).

In regard to Claim 22, Rogerson teaches inheritance, which allows a class, which inherits a base class, to contain all the functions of the base class (Page 159, Paragraph 3).

In regard to Claim 23, Rogerson teaches that the interface is a set of functions (Figure 2-3) that allows the component to interact with the user (Page 16, Paragraph 3).

In regard to Claim 24, Rogerson teaches that the container application supports a file irrespective of a version of the container application (Page 8, Paragraph 3).

In regard to Claims 26-28, Claims 26-28 are apparatus Claims that correspond with method Claims 18, 23, and 25 respectively, and are rejected for the dame reasons as Claims 18, 23, and 25, where it would be obvious to run the present method on a computer apparatus, since

Claim 18 is a computerized method, and it is well known to run software components on a computer apparatus.

In regard to Claims 29-31, Claims 29-31 are apparatus Claims that correspond with method Claims 18-20, respectively, and are rejected for the same reasons as Claims 18-20, where it would be obvious to run the present method on a computer apparatus, since Claim 18 is a computerized method, and it is well known to run software components on a computer apparatus.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Schoening et al. (U.S. Patent Number 6,226,788).

In regard to Claim 1, Schoening teaches: (a) reading meta data to assemble components at run time to create an element (Column 8, lines 29-44); and (b) executing a container application, the container application interacting with the element with respect to a behavior contained by the element (Column 4, lines 17-29).

In regard to Claim 2, Schoening teaches using a pattern in the meta data for linking between elements and using a pattern in the meta data for communications between elements (Column 8, lines 29-44); and creating an element class catalog from a template (Column 4, lines 44-52).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 8-10 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Inside COM: Microsoft's Component Object Model" by Dale Rogerson, Microsoft Press, 1997 (hereinafter Rogerson) in view of Somoza et al. (U.S. Patent Number 6,336,035).

In regard to Claim 8, Rogerson teaches the apparatus of Claim 4, but does not teach that the container application comprises a simulation. Somoza, however, does teach an application that performs simulations of wireless networks (Column 6, lines 14-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to build the apparatus of Claim 4, as taught by Rogerson, where the container application comprises a simulation, as taught by Somoza, since a wireless network simulation application aids in the development of wireless networks.

In regard to Claims 9 and 10, these claims contain limitations that have already been addressed in the rejection of Claim 8, and Claims 9 and 10 are rejected for the same reasons as Claim 8.

In regard to Claim 25, Rogerson teach the method of Claim 18, where the application comprises a simulation. Somoza, however, does teach an application that performs simulations of wireless networks (Column 6, lines 14-16). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 18, as taught

by Rogerson, where the application comprises a simulation, as taught by Somoza, since a wireless network simulation application aids in the development of wireless networks.

6. Claims 13-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over "Inside COM: Microsoft's Component Object Model" by Dale Rogerson, Microsoft Press, 1997 (hereinafter Rogerson) in view of Cohen et al. (U.S. Patent Number 6,487,713).

In regard to Claim 13, Rogerson teaches the apparatus of Claim 5, but does not explicitly teach that the element has an attribute and a behavior. Cohen, however, does teach a component (Figure 12) with an attribute (Figure 12, item 1400) and a behavior (Figure 12, items 1212 and 1214). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to build the apparatus of Claim 5, as taught by Rogerson, where the component has an attribute and a behavior, as taught by Cohen, since this allows the component to be identified, and also allows the component to have functionality.

In regard to Claim 14, as stated above, the attribute, as taught by Cohen, defines the element.

In regard to Claim 15, Rogerson teaches that the behavior comprises an implemented function (Figure 2-3).

In regard to Claim 16, Rogerson teaches that the behavior has an interface defining a type of behavior (Figure 2-3).

In regard to Claim 17, Rogerson teaches that the behavior comprises an implemented function (Figure 2-3), which provides a service.

7. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schoening et al. (U.S. Patent Number 6,226,788) in view of Beckett et al. (U.S. Patent Number 6,564,368).

In regard to Claim 3, Schoening teaches the method of Claim 2, but does not explicitly teach assigning values for a setting in the element, assigning values for data in the element, and saving information about the element to the computer readable medium. Beckett, however, does teach assigning values for a setting and data in an element (Figure 5B, item 515) and saving element information to a computer readable medium (Column 12, lines 34-43). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 2, as taught by Schoening, where the method further includes assigning values for a setting in the element, assigning values for data in the element, and saving information about the element to the computer readable medium, since this allows aspects of the element to be altered as well as stored for later use.

8. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over "Inside COM: Microsoft's Component Object Model" by Dale Rogerson, Microsoft Press, 1997 (hereinafter Rogerson) in view of Beckett et al. (U.S. Patent Number 6,564,368).

In regard to Claim 11, Rogerson teaches the apparatus of Claim 4, but does not teach adding a new function to the container application without having to recompile the container application. Beckett, however, does teach dynamically adding data to an application without compiling (Column 11, lines 49-54 and Column 5, lines 10-15). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to perform the method of Claim 4, as taught by Rogerson, where a new function can be added to the container application without having to recompile the container application, as taught by Beckett, since this allows for dynamic connections to be made by components as they are needed at run-time.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth A Gross whose telephone number is (703) 305-0542. The examiner can normally be reached on Mon-Fri 7:30-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

KAG

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PRIMARY EXAMINER